

Existing law requires the Dept. of Health and Hospitals (DHH), in accordance with the Administrative Procedure Act, to establish a facility need review process consistent with the Social Security Act. Provides that the rules and regulations include criteria for the review of nursing facility beds and community and group home beds for the mentally retarded, specific duties of DHH to review proposals for new facilities and to determine the need for such, the appropriate methodology for data collection, procedures to grant and revoke approvals, establishment of application fees, procedures for review of applications, procedures to request a fair hearing from a determination made by DHH, and provisions for judicial review from decisions rendered after a fair hearing.

Existing law provides that no facility, service, or beds shall be certified to participate in the Medicaid program without DHH approval based upon a determination of need. Prohibits any person establishing, managing, or operating a new facility, service, or bed without DHH approval from participating in the Medicaid program.

Existing law provides for a moratorium on Medicaid certified beds for nursing facilities. Provides that DHH not approve any additional nursing facilities or beds in nursing facilities through facility review to participate in the Medicaid program. Exempts replacement of existing facilities.

Prior law provided that the moratorium became enforceable on July 1, 1996 and would remain in effect until July 1, 2001.

New law extends the ending date of the moratorium to July 1, 2005.

Effective August 15, 1999.

(Amends R.S. 40:2116(D))